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ELECTRONICALLY FILED
7-10-19

Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

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IN RE:
MELISSA L. DUNCAN

Case No. BK-N-18-50877-BTB
(Chapter 13)

MOTION TO MODIFY
CONFIRMED CHAPTER 13 PLAN

Hearing Date: 8-22-19

Hearing Time: 3:00 p.m.

Time Required: 5 Minutes

Debtors.

COMES NOW Debtor, by and through counsel, SEAN P. PATTERSON, Esq. and apply to this Court for a post-confirmation modification of her Chapter 13 Plan, pursuant to 11 U.S.C. §1329, for reasons more fully set forth below.

POINTS AND AUTHORITIES

The debtors filed a Chapter 13 bankruptcy on August 8, 2018. The filing of the bankruptcy was to allow the debtor to reorganize her unsecured debt. The plan was confirmed on January 11, 2019.

The debtors had some changes since the filing of this case. The debtor had some medical issues. She had to have extensive dental work to fix some matters with her teeth. In addition, due to her rheumatoid arthritis, she was forced to do physical therapy. As a result, the debtor was not able to make her plan payments and this case was set for dismissal. The debtor's amended Schedules "I" and "J" were filed prior to this motion.

1 Section 1329 allows for post-confirmation modification, for
2 good cause shown, for a period of a maximum of five (5) years from
3 the time the first payment under the original plan was due.
4 Counsel requests of this Court that the Plan be modified as
5 follows: Beginning in July, 2019, the plan payment shall be
6 to \$265 for 10 months. The plan payments increase to \$500 per
7 month in May, 2020 for 12 months. Once the vehicle is paid off,
8 the plan payment goes up to \$850 for the remainder of the plan 5
9 payments. Unsecured creditors will be getting the more money under
10 this proposal than the confirmed plan.

11 The debtor shall not turnover any tax refunds for the life of
12 the plan. Counsel requests attorneys fees of \$450.00 for this
13 motion.

14 RESPECTFULLY SUBMITTED this 10th day of July, 2019.

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17 SEAN P. PATTERSON, Esq.

18 Read and Approved by:

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20 MELISSA L. DUNCAN
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DECLARATION IN SUPPORT OF FEES

1. I am the attorney in the above-referenced matter.

2. I am duly licensed as an attorney by the State of Nevada.

3. I have prepared the above motion and state under penalty of perjury that the representations of the facts are true and correct to the best of my knowledge.

4. My hourly rate for this case is \$250.00. It is anticipated that I will spend 2 hours in total working on this motion. This time includes, but is not limited to: discussing the case with the client, amending the petition, drafting the motion to modify, drafting the Notice of Motion, setting the hearing for calendar, court time, reviewing the Trustee's objection, and reviewing the order to amend the plan.

Dated this 10th day of July, 2019.


SEAN P. PATTERSON, Esq.